

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT  
BILL OF COSTS**

\_\_\_\_\_  
Appellant  
vs. Case No. \_\_\_\_\_

\_\_\_\_\_  
Appellee

Fed.R.App.P. 39 and 11th Cir. R. 39-1 (see reverse) govern costs which are taxable in this court and the time for filing the Bill of Costs. A motion for leave to file out of time is required for a Bill of Costs not timely received.

**INSTRUCTIONS**

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I hereby swear or affirm that the costs claimed were actually and necessarily incurred or performed in this appeal and that I have served this Bill of Costs on counsel/parties of record.

Date Signed: \_\_\_\_\_ Signature: \_\_\_\_\_

Attorney for: \_\_\_\_\_  
(Type or print name of client)

**FOR COURT USE ONLY**

Costs are hereby taxed in the amount of \$ \_\_\_\_\_ against \_\_\_\_\_

and are payable directly to \_\_\_\_\_

Thomas K. Kahn, Clerk

Issued on: \_\_\_\_\_ By: \_\_\_\_\_  
Deputy Clerk

## FRAP 39. Costs

- (a) Against Whom Assessed. The following rules apply unless the law provides or the court orders otherwise:
- (1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;
  - (2) if a judgment is affirmed, costs are taxed against the appellant;
  - (3) if a judgment is reversed, costs are taxed against the appellee;
  - (4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the court orders.
- (b) Costs For and Against the United States. Costs for or against the United States, its agency, or officer will be assessed under Rule 39(a) only if authorized by law.
- (c) Costs of Copies. Each court of appeals must, by local rule, fix the maximum rate for taxing the cost of producing necessary copies of a brief or appendix, or copies of records authorized by Rule 30(f). The rate must not exceed that generally charged for such work in the area where the clerk's office is located and should encourage economical methods of copying.
- (d) Bill of Costs; Objections; Insertion in Mandate.
- (1) A party who wants costs taxed must — within 14 days after entry of judgment — file with the circuit clerk, with proof of service, an itemized and verified bill of costs.
  - (2) Objections must be filed within 10 days after service of the bill of costs, unless the court extends the time.
  - (3) The clerk must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the district clerk must — upon the circuit clerk's request — add the statement of costs, or any amendment of it, to the mandate.
- (e) Costs on Appeal Taxable in the District Court. The following costs on appeal are taxable in the district court for the benefit of the party entitled to costs under this rule:
- (1) the preparation and transmission of the record;
  - (2) the reporter's transcript, if needed to determine the appeal;
  - (3) premiums paid for a supersedeas bond or other bond to preserve rights pending appeal; and
  - (4) the fee for filing the notice of appeal.

\* \* \* \*

11th Cir. R. 39-1 Costs. In taxing costs for printing or reproduction and binding pursuant to FRAP 39(c) the clerk shall tax such costs at rates not higher than those determined by the clerk from time to time by reference to the rates generally charged for the most economical methods of printing or reproduction and binding in the principal cities of the circuit, or at actual cost, whichever is less.

Unless advance approval for additional copies is secured from the clerk, costs will be taxed only for the number of copies of a brief and record excerpts or appendix required by the rules to be filed and served, plus two copies for each party signing the brief.

All costs shall be paid and mailed directly to the party to whom costs have been awarded. Costs should not be mailed to the clerk of the court.

\* \* \* \*

*I.O.P. -*

1. Time - Extensions. *A bill of costs is timely if filed within 14 days of entry of judgment. Judgment is entered on the opinion filing date. The filing of a petition for rehearing or petition for rehearing en banc does not extend the time for filing a bill of costs. A motion to extend the time to file a bill of costs may be considered by the clerk.*

2. Costs for or Against the United States. *When costs are sought for or against the United States, the statutory or other authority relied upon for such an award must be set forth as an attachment to the Bill of Costs.*

3. Reproduction of Statutes, Rules, and Regulations. *Costs will be taxed for the reproduction of statutes, rules, and regulations in conformity with FRAP 28(f). Costs will not be taxed for the reproduction of papers not required or allowed to be filed pursuant to FRAP 28 and 30 and the corresponding circuit rules, even though the brief, appendix, or record excerpts within which said papers are included was accepted for filing by the clerk.*